

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

TRINA BUCHOLZ, n.k.a. TRINA  
SADLER,

Plaintiff,

Civil No. 10-778-ST

v.

ORDER

LIBERTY MUTUAL INSURANCE  
CO.,

Defendant.

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HAGGERTY, District Judge:

Magistrate Judge Stewart has issued a Findings and Recommendation [14] in this action. The Magistrate Judge recommended granting defendant's Motion to Dismiss [4] and dismissing plaintiff's prayer for damages for collection agency fees and for damage to plaintiff's credit score. The Magistrate Judge also recommended granting plaintiff leave to file an amended Complaint within thirty days that complies with the pleading requirements set forth in the

Employee Retirement Income Securities Acts (ERISA). No objections were filed, and the case was referred to this court.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Findings and Recommendation in its entirety.

### **CONCLUSION**

The Findings and Recommendation [14] is adopted and defendant's Motion to Dismiss [4] is granted. Plaintiff is granted leave to amend her Complaint to comply with ERISA's pleading requirements within thirty days of this order.

IT IS SO ORDERED.

DATED this 25 day of October, 2010.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge